

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
WEDNESDAY, SEPTEMBER 7, 1988
7:30 P.M.

ROLL CALL

Present: Council Members - Hinchman, Olson, Reid,
Snider and Pinkerton (Mayor)

Absent: Council Members - None

Also Present: City Manager Peterson, Finance Director
Holm, Community Development Director
Schroeder, Public Works Director Ronsko,
City Attorney McNatt, and City Clerk Reimche

INVOCATION

The invocation was given by Dr. Wayne Kildall, Center of
Hope.

PLEDGE OF
ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pinkerton.

PRESENTATIONS

There were no presentations, awards, or proclamations
presented at this City Council Meeting.

CONSENT- CALENDAR

In accordance with report and recommendation of the City
Manager, Council, on motion of Council Member Reid,
Hinchman second, approved the following items hereinafter
set forth with the following exceptions.

- a) Agenda item E-6 entitled "Award contract for Lodi
Council Chambers, Carnegie Library Renovation, 301 West
Pine Street" - this item was removed from the Consent
Calendar and discussed and acted upon at a later point
on the agenda.
- b) Agenda item E-19 entitled "Approve the installation of
stop signs on Main Street, Garfield Street, Central
Avenue, and Washington Street, at the intersections of
Locust Street" - this item was removed from the consent
Calendar and discussed and acted upon at a later point
on the agenda.

CLAIMS CC-21(a)

Claims were approved in the amount of \$3,944,556.75.

MINUTES

The Minutes of August 3, 1988 were approved as written.

AWARD BID FOR THE
PURCHASE OF POLE-
MOUNTED TRANSFORMERS

RES. NO. 88-119

The City Council was reminded that on August 3, 1988, it
had approved specifications for the purchase of
pole-mounted transformers, and authorized advertisement for
bids. Bid were opened on August 23, 1988.

CC-12(d)
CC-20
CC-47

The transformers will be used for replacements in the PCB
change-out program and to maintain an inventory for
emergencies as they develop.

Transformers are evaluated by combining the purchase price
with the cost of transformer losses to arrive at a total
life-cycle cost. The cost of transformer losses is the
dollar value assigned based on design data provided by the
suppliers. The recommendation to award is then based on
the minimum total life-cycle cost of units otherwise
meeting specifications.

Continued September 7, 1988

Funding for this purchase is available in the Electric Utility Department's Operating Fund.

A breakdown of the bids received was presented for the City Council's review.

The City Council adopted Resolution No. 88-119 awarding the bid for the purchase of single-phase Conventional and Circuit-Protected pole-mounted Transformers as follows:

RTE CORPORATION				PURCHASE PRICE INC. TAX
5 Ea 15	KVA CP	120/240 Volt		\$ 2,877.90
10 Ea 25	KVA CP	120/240 Volt		6,519.00
10 Ea 37.5	KVA CP	120/240 Volt		8,045.40
10 Ea 50	KVA CP	120/240 Volt		9,805.00
15 Ea 15	KVA Conv	120/240 Volt		7,504.80
10 Ea 25	KVA Conv	120/240 Volt		5,766.40
3 Ea 25	KVA Conv	277 Volt		1,752.18
10 Ea 37.5	KVA Conv	120/240 Volt		6,921.80
3 Ea 37.5	KVA Conv	277 Volt		2,337.30
15 Ea 50	KVA Conv	120/240 Volt		12,926.70
3 Ea 50	KVA Conv	277 Volt		2,464.50
1 Ea 167	KVA Conv	277 Volt		2,571.56
				\$69,492.54

GENERAL ELECTRIC SUPPLY CO.:

5 Ea 75	KVA CP	120/240 Volt	7,234.50
4 Ea 100	KVA CP	120/240 Volt	6,834.88
5 Ea 75	KVA Conv	120/240 Volt	5,618.00
3 Ea 100	KVA Conv	120/240 Volt	4,836.78
3 Ea 100	KVA Conv	277 Volt	4,622.26
			\$29,157.42

TOTAL PURCHASE PRICE FOB LODI. \$98,649.96

AWARD BID FOR
PURCHASE OF
PADMOUNTED TRANSFORMERS

RES. NO. 88-120

CC-12(d)
CC-20
CC-47

The City Council was reminded that on August 3, 1988, it had approved specifications for the purchase of pad-mounted transformers, and authorized advertisement for bids. Bids were opened on August 23, 1988.

The transformers will be used to serve new customer loads and to maintain an inventory for emergencies and other needs as they develop. Two of the specific projects requiring transformers are The Fountains and The Meadows Unit II.

Transformers are evaluated by combining the purchase price with the cost of transformer losses to arrive at a total life-cycle cost. The cost of transformer losses is the dollar value assigned based on design data provided by the suppliers. The recommendation to award is then based on the minimum total life-cycle cost of units otherwise meeting specifications.

Funding for this purchase is available in the Electric Utility Department's Operating Fund.

A breakdown of the bids received were presented to the City Council for its review.

Continued September 7, 1988

The City Council adopted Resolution No. 88-120 awarding the bid for the purchase of single-phase and three-phase pad-mounted transformers as follows:

<u>WESTINGHOUSE ELECTRIC</u>	<u>PURCHASE PRICE INCLUDING TAX</u>
10 Ea 37.5 KVA Single-phase	\$ 11,649.40
15 Ea 50 KVA Single-phase	19,191.30
1 Ea 75 KVA Three-phase	3,507.54
1 Ea 112.5 KVA Three-phase	3,596.58
1 Ea 150 KVA Three-phase	4,119.16
1 Ea 150 KVA Three-phase	4,061.92
1 Ea 300 KVA Three-phase	5,769.58
1 Ea 300 KVA Three-phase	5,644.50
1 Ea 500 KVA Three-phase	8,143.98
2 Ea 500 KVA Three-phase	15,552.32
	\$ 81,236.28

MAYDWELL AND HARZELL

15 Ea 75 KVA Single-phase	23,929.50
5 Ea 100 KVA Single-phase	9,116.00
1 Ea 75 KVA Three-phase	3,405.78
	\$ 36,451.28

Pauwels-Chance

1 Ea 1000 KVA Three-phase	10,563.96
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TOTAL PURCHASE PRICE FOB LODI. \$ 128,251.52

AWARD BID FOR THE
PURCHASE OF ACTON
THEATER CHAIRS

RES. NO. 88-121

CC-12(d)
CC-20
CC-47

The City Council was reminded that on August 17th, it had approved the specifications, and authorized advertisement for bids, for 50 Acton theater chairs for Hutchins Street Square Fine Arts Theater. Bids were opened on August 30, with results as follows:

Warden's Office Furniture \$5,962.50

Durst Office Interiors \$6,172.91

W. P. Wesson and Co. \$6,352.05

J. H. L. Office Interiors \$7,327.25

The Fine Arts Theater currently has 15 Acton chairs which are used for small meetings and events. In order to accommodate larger groups the Theater requires additional units with tilt-up seats to match existing chairs.

\$7,500 has been budgeted for this purchase in the 1988-89 equipment fund.

The City Council adopted Resolution No. 88-121 awarding the bid for the purchase of 50 Acton theater chairs to the lowest bidder, Warden's Office Furniture of Modesto, California in the amount of \$5,962.50

VARIOUS SPECIFICATIONS

APPROVED

The City Council approved the following specifications and authorized advertising for bids:

CC-12.1(b)

a) Photocopy machine for City Hall

Continued September 7, 1988

b) Forty-six Class 3 wood utility poles

c) Four Cushman vehicles

PURCHASE OF FIRE
APPARATUS INTERCOM
SYSTEM EQUIPMENT
APPROVEDCC-12(d)
CC-20
CC-47

The City Council approved the purchase of Fire Apparatus Intercom System equipment manufactured by the David Clark Company of Worchester, Massachusetts, and authorized the advertisement for bids therefore. The bid opening would be scheduled for Tuesday, September 27, 1988.

PURCHASE OF FIVE
POLICE VEHICLES
THROUGH THE STATE
OF CALIFORNIA
PURCHASING OFFICE
APPROVED

RES. NO. 88-123

CC-7(f)
CC-12(d)
CC-20
CC-47

The City Council was apprised that it was learned and confirmed August 18, 1988, that the current production run of Dodge Diplomat CHP special service vehicles will be the manufacturer's last. The replacement model is not known or specified at this date, and in order to procure additional 1988 models, the purchasing cut-off date is September 1, 1988. The Dodge Diplomat is a proven service vehicle and our mechanics are familiar with its repair requirements and operational needs. To purchase additional units now will provide the City another year, or more, to evaluate replacement alternatives and maintain standardization of parts.

The City Council adopted Resolution No. 88-123 approving the purchase of five police vehicles through the State of California Purchasing Office and appropriate \$55,000 from the 12-Equipment Fund to do so.

REPORT CONCERNING
PURCHASE OF FLAIL
GANG MOWERSCC-12(d)
CC-20
CC-47

The City Council was apprised that pursuant to action taken by the City Council on July 6, 1988, whereby H. V. Carter of Sacramento was named the sole supplier for Jacobsen tractor/mower equipment, the City purchased from Carter one tractor and gang mower for the Parks Department. The total cost was \$39,522.00, including tax and delivery.

The new equipment replaces an existing tractor/mower which is nearly worn out and becoming more expensive to maintain. Carter allowed \$1,500 trade-in value on the old unit.

This purchase was included in the 1988-89 Equipment Budget at \$42,000.

IMPROVEMENTS UNDER
"TYPE II SLURRY SEAL,
VARIOUS STREETS",
CONTRACT ACCEPTED

CC-90

The City Council accepted the improvements for "Type II Slurry Seal, Various City Streets" and directed the Public Works Director to file a Notice of Completion with the County Recorder's Office.

The City Council was advised that the contract was awarded to California Pavement Maintenance Company, Inc. of Sacramento on July 6, 1988 in the amount of \$26,681.05. The contract has been completed in substantial conformance with the plans and specifications approved by the City Council.

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The contract completion date was September 1, 1988 and the actual completion date was August 9, 1988. The final contract price was \$28,015.66. The difference between the contract amount and the final contract price is mainly due to an additional 27,000 square feet added after bids were received.

IMPROVEMENTS ACCEPTED
UNDER "ASBESTOS REMOVAL,
125 SOUTH HUTCHINS
STREET", CONTRACT
APPROVED

CC-90

The City Council accepted the improvements for "Asbestos Removal, 125 South Hutchins Street", and directed the Public Works Director to file a Notice of Completion with the County Recorder's office.

The City Council was informed that the contract was awarded to PEM Insulation Co. Inc. of Benicia on August 3, 1988 in the amount of \$7,450.00. The contract has been completed in substantial conformance with the plans and specifications approved by the City Council.

The contract completion date was September 23, 1988, and the actual completion date was August 26, 1988. The final contract price was \$7,450.00.

FINAL MAP AND
SUBDIVISION AGREEMENT
FOR MOKELUMNE VILLAGE
EAST APPROVED

CC-46

The City Council approved the final map for Mokelumne Village East, Tract No. 2182, and directed the City Manager and City Clerk to execute the Subdivision Agreement and map on behalf of the City.

The City Council was informed that FHA Properties, the developer of this subdivision, has furnished the City with the improvement plans, the necessary agreements, guarantees, insurance certificates, and fees for the proposed subdivision.

The subdivision is located at the northwest corner of Turner Road and Highway 99 and contains a total of 38 single-family lots on 9.2 acres.

DEVELOPMENT AGREEMENT
FOR 1721 SOUTH
CHEROKEE LANE
APPROVED

CC-46

The City Council approved the Development Agreement for 1721 South Cherokee Lane and directed the City Manager and City Clerk to execute it on behalf of the City.

The City Council was informed that Darrel Fandrich, Village Properties, and H&M Builders, the developers of this property, have furnished the City with the improvement plans, the necessary agreements, guarantees, insurance certificates, and fees for the proposed development.

The development is located at the northwest corner of Almond Drive and Cherokee Lane and contains two lots zoned C-2. A diagram of the development was presented for City Council's review. One lot will have a convenience store (Parcel B) and the other (Parcel A) will be a multi-family project.

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IMPROVEMENTS IN
MAGGIO INDUSTRIAL
PARK, UNITS 1 AND
2 ACCEPTED

RES. NO. 88-124 The City Council adopted Resolution No. 88-124 accepting
the subdivision improvements included in Tract Map No.
CC-46 2160, Maggio Industrial Park, Unit 1, and Tract Map No.
2181, Maggio Industrial Park, Unit 2.

The City Council was advised that the improvements in Maggio Industrial Park, Units 1 and 2, have been completed in substantial conformance with the requirements of the Subdivision Agreement between the City of Lodi and Lodi Development, Inc. dated February 16, 1988, and as specifically set forth in the plans and specifications approved by the City Council.

The streets to be accepted are as follows:

<u>Streets</u>	<u>Length in Miles</u>
Stockton Street	0.00
Harney Lane	0.00
Maggio Circle	<u>0.39</u>
	0.39 Total New Miles of City Streets

RUTLEDGE DRIVE
ESTABLISHED AS A
THROUGH STREET

RES. NO. 88-125 The City Council adopted Resolution No. 88-125 establishing
Rutledge Drive as a through street and amending the Traffic
Resolution.
CC-45(a)
CC-48(a)

The City Council was apprised that Staff received two traffic requests for improving traffic controls on Rutledge Drive. One was at Tejon Street and Rutledge Drive which has no controls. It is a four-way intersection with a cul-de-sac on the east leg. The other request was for Yosemite Drive and Rutledge Drive where there are yield signs on Yosemite Drive. The existing volume on Rutledge Drive is approximately 2,000 vehicles per day. The City's guideline for establishing a through street is that a street must have volumes of approximately 2,000 or more vehicles per day and be used as a minor collector. Rutledge Drive is the only street running north-south between Turner Road and Elm Street between Lower Sacramento Road and Mills Avenue. Since Rutledge meets the criteria for a through street, it is recommended it be established as a through street. This designation will require that stop signs be installed on minor streets intersecting Rutledge Drive.

INFORMATIONAL UPDATE
REGARDING APPEAL
FOR RIGHT-OF-WAY
ENCROACHMENT, 1800
SOUTH CHEROKEE LANE
(CROCE'S)

CC-6
CC-45(a)
CC-158

The City Council was apprised that the Public Works Department has had further discussions with Mr. Angelo Fanos regarding the request for an encroachment for a new doorway at 1800 South Cherokee Lane. They have worked out a solution that falls within normal guidelines for sidewalk construction and the request for a special variance has been withdrawn.

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MEL GRANDI APPOINTED
TO CITY OF LODI
DEFERRED COMPENSATION
COMMITTEE

CC-6
CC-34

The City Council was advised that Glenn Robison, a member of the City of Lodi Deferred Compensation Committee, is retiring. The City's plan document requires a Committee of six members, all City employees, be appointed by the City Council. Mel Grandi has expressed an interest in serving on this Committee.

The City Council appointed Mel Grandi, Electrical Engineer, to the City's Deferred Compensation Committee.

CONTRACT AWARDED FOR
CITY COUNCIL CHAMBER
(CARNEGIE LIBRARY)
REMODEL (301 WEST
PINE STREET

RES. NO. 88-122
CC-12(c)

The City Council was advised that the City received the following five bids for the City Council Chamber (Carnegie Library) Remodel:

<u>Bidder</u>	<u>Bid</u>
Engineer's Estimate	\$878,610.00
Modern Engineering & Construction	\$860,384.00
Ginno & Huffman Construction	\$888,893.00
Roek Construction	\$898,000.00
Diede Construction	\$903,125.00
Ted Molfino	\$991,345.00

This project is for the conversion of the Carnegie Library main floor into new Council Chambers with handicap access.

Architectural fees, landscaping, and hardscaping are not included in the project cost. Some of the project costs can be attributed to oversizing for the future expansion of City Hall.

Following Council discussion, Council Member Hinchman moved that the City Council reject the contract. The motion was seconded by Council Member Olson but failed to pass by the following vote:

Ayes: Council Members - Hinchman

Noes: Council Members - Olson, Reid, Snider and
Pinkerton (Mayor)

Council Member Reid then moved that the City Council adopt Resolution No. 88-122 awarding the subject contract to Modern Engineering and Construction in the amount of \$860,384.00 and appropriating an additional \$140,000 from the General Fund to complete the project.

The motion was seconded by Mayor Pro Tempore Snider and carried by the following vote:

Ayes: Council Members - Olson, Reid, Snider, and
Pinkerton (Mayor)

Noes: Council Members - Hinchman

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INSTALLATION OF STOP
SIGNS ON MAIN STREET,
GARFIELD STREET,
CENTRAL AVENUE, AND
WASHINGTON STREET AT
THE INTERSECTIONS OF
LOCUST STREET APPROVED

RES. NO. 88-126 The City Council adopted Resolution No. 88-126 approving the installation of stop signs on Main Street, Garfield Street, Central Avenue and Washington Street at the intersections of Locust Street and amending the Traffic Resolution.
CC-45(a)
CC-48(h)

The City Council was apprised that Staff had studied the Washington Street/Locust Street intersection in 1986 and determined the existing yield signs on Washington Street were appropriate. Larger yield signs were installed at that time. In reviewing its 1988 High Accident List which added the accidents from 1987, this intersection was still high on the list. Staff also received a traffic complaint about near-miss accidents at this intersection.

Staff again reviewed the accident reports for a four-year period (1984-1987). There have been 14 of 17 accidents caused by drivers failing to yield. Based on the "safe approach" method, two-way yield signs are justified on Washington Street. The "safe approach" method is based on the sight distance at the intersection and the safe approach speed on the minor street. The high number of accidents indicates two-way stop signs may eliminate the majority of the accidents. The traffic volumes showed the control is on the appropriate street.

Staff also reviewed three other similar intersections on Locust Street: Main Street/Locust Street, Garfield Street/Locust Street, and Central Avenue/Locust Street. These intersections are also controlled by yield signs on Main Street, Garfield Street, and Central Avenue.

Public Works Director Ronsko presented diagrams of the subject area and responded to questions as were posed by the City Council.

Based on the safe approach method, the City Council was apprised that two-way stop signs should be installed on Main Street and Garfield Street at Locust Street, and yield signs are appropriate on Central Avenue at Locust Street. However, the Central Avenue/Locust Street intersection has had 5 of 10 injury accidents caused by motorists failing to yield. Therefore, staff recommended replacing the yield signs with stop signs at all four intersections on Locust Street.

Council Member Reid moved that the City Council not go along with Staff's recommendation. The motion was seconded by Mayor Pinkerton but failed to pass by the following vote:

Ayes: Council Members - Reid and Pinkerton (Mayor)

Noes: Council Members - Hinchman, Olson, and Snider

COMMENTS BY CITY
COUNCIL MEMBERS

The following comments were received under the "Comments by City Council Members" segment of the agenda:

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QUESTIONS POSED
REGARDING WHAT
RECOURSE THE OWNER HAS
OF A SINGLE-FAMILY
RESIDENCE WHICH IS
LOCATED BETWEEN TWO
APARTMENT COMPLEXES

CC-6
CC-53(a)
CC-126

Following introduction of the matter by Council Member Olson, Community Development Director Schroeder was asked to report to the City Council at its next meeting regarding what recourse the owner of a single-family residence has when his residence is located between two apartment complexes in the "apartment Moratorium area" (eastside study area) - (Re: Ordinance No. 1409 adopted 11/4/87).

FIELD AND FAIR DAY -
1988 APPLAUDED

Following introduction of the matter by Council Member Reid, the Council applauded Field and Fair Day - 1988 as "the best ever".

LEFT-TURN BARRICADES
AT FAIRMONT AVENUE
AND KETTLEMAN LANE
APPLAUDED

CC-45(a)
CC-48(a)

Council Member Hinchman stated that he felt the left-turn barricades at Fairmont Avenue and Kettleman Lane were a good start.

ESTABLISHMENT OF
ELECTRIC BOARD OR
COMMISSION FOR CITY
OF LODI SUGGESTED

CC-6
CC-51(d)

Council Member Hinchman proposed that Council Member Reid lead a discussion for the formation of an Electric Board or Commission for the City of Lodi. It was suggested that City Council Member Reid, City Manager Peterson, and Electric Utility Director Rice bring this subject back to the City Council for discussion at a future Council meeting.

COMMENTS BY THE
PUBLIC ON NON
AGENDA ITEMS

There were no persons in the audience wishing to speak under this segment of the agenda.

PUBLIC HEARINGS

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pinkerton called for the Public Hearing to hear and pass upon objections or protests raised by the owner of property located at 1000 South Hutchins street, Lodi, regarding the "Notice to Construct Sidewalks".

PUBLIC HEARING TO
HEAR AND PASS UPON
OBJECTIONS OR PROTESTS
OF PROPERTY OWNERS
REGARDING SIDEWALK
INSTALLATION AT
1000 SOUTH HUTCHINS
STREET

CC-45(e)

Following direction from the City Attorney, the City Council on motion of Mayor Pro Tempore Snider, Hinchman second, waived the requirement that the protests be written and received by the City Clerk prior to the public hearings scheduled for this meeting to hear and pass upon objections or protests raised by the owner of property located at 1000 South Hutchins Street, Lodi, and the owners of property located on Lodi Avenue between Lower Sacramento Road and Cherokee Lane regarding the "Notice to Construct Sidewalks".

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The City Council was advised that the first public hearing was set to hear and pass upon objections or protests by the property owner required to install sidewalk on the property at 1000 South Hutchins Street.

In March 1985, the City Council determined that sidewalk should be installed on developed lots where none presently exists on all major street reconstruction projects. This property is the only one within the Hutchins Street Improvement Project that does not have sidewalk. A Notice to Construct was sent to the property owner requiring construction to begin within 60 days and giving them the time and date of this public hearing.

The State of California Streets and Highways Code requires that legislative bodies hear and pass upon objections at a public hearing set no sooner than ten days after giving notice to the property owner. Notice was given on August 25, 1988.

There being no persons in the audience wishing to address the City Council regarding the matter, the public portion of the hearing was closed.

On motion of Council Member Olson, Reid second, the City Council ordered the installation of sidewalk at 1000 South Hutchins Street. The motion carried by a unanimous vote of the City Council.

PUBLIC HEARING TO
HEAR AND PASS UPON
OBJECTIONS OR
PROTESTS RAISED
BY THE OWNERS OF
PROPERTY LOCATED
ON LODI AVENUE
BETWEEN LOWER
SACRAMENTO ROAD
AND CHEROKEE LANE
REGARDING THE
"NOTICE TO
CONSTRUCT
SIDEWALKS

CC-45(e)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pinkerton called for the Public Hearing to hear and pass upon objections or protests raised by the owner of property located on Lodi Avenue between Lower Sacramento Road and Cherokee Lane regarding the "Notice to Construct Sidewalks".

The matter was introduced by Public Works Director Ronsko who apprised the City Council that this public hearing was set to hear objections from the 11 property owners along Lodi Avenue who are required to install sidewalk where there is none, and also from the railroad where there is no sidewalk or curb and gutter on its property at the southeast corner of Lodi Avenue and Main Street.

On July 6, 1988, the City Council determined that all property fronting Lodi Avenue should have curb, gutter, and sidewalk. A Notice to Construct was sent to all property owners requiring the construction to start within 60 days and giving the date and time of this hearing.

The State of California Streets and Highways Code requires that legislative bodies hear and pass upon objections at a public hearing set no sooner than ten days after giving notice to the property owner. Notice was given on August 25, 1988. A map was presented showing those properties that are affected.

On motion of Mayor Pinkerton, Olson second, the Council agreed to consider the commercial and the residential properties separately for the purpose of this public hearing.

Public Works Director advised that the commercial property was located in the area of Main Street and Lodi Avenue and presented a diagram of the subject area for Council's review.

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Mr. Ronsko advised the City Council that there is a problem with drainage on the property and that the notice that was sent included curb, gutter and sidewalk improvements.

There were no persons in the audience wishing to address the City Council regarding the matter.

Mayor Pinkerton then closed the Public Hearing on the segment pertaining to commercial property.

On motion of Council Member Hinchman, Olson second, the City Council ordered the installation of curb, gutter, and sidewalk on the specified property.

Public Works Director Ronsko then presented a diagram of the residential area and responded to questions as were posed by the City Council.

City Attorney McNatt advised the City Council that if there were protests voiced that it would require a 4/5 affirmative vote of the City Council to overrule the protests of the property owners and order installation of sidewalks on the specified property. Further, that if the motion failed to pass that this matter could not be brought back to the City Council for one year.

The following person spoke in favor of the installations:

a) Tony Alegre, 317 Leland Court, Lodi

The City Clerk presented a petition signed by 58 property owners which read as follows:

"We the undersigned citizens of Lodi object and protest the order to construct sidewalks along Lodi Avenue.

We object because the construction would ruin the unique country-like atmosphere and destroy beautiful landscaping, lawns, and trees.

We protest because there is no immediate need to require this.

We ask that you not destroy the beauty of this area for the sake of uniformity and/or conformity.

We authorize the use of our names in advertising and for any and all commercial uses."

It was determined by Community Development Director Schroeder that ten of the eleven property owners in the subject area had signed the petition.

The following property owners in the subject area voiced objections or protests to installing the sidewalk:

a) George D. Scheideman, 2330 West Lodi Avenue

b) Scott Mathews, 220 West Lodi Avenue

c) Lisa Canepa, 320 Kristmont Street

d) Robert DuBose, 2230 West Lodi Avenue

e) Dan Lund, 301 Del Mont Street

f) Arthur Schnell, 2300 West Lodi Avenue

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There being no other persons wishing to address the City Council regarding the matter, the public portion of the hearing was closed.

Following discussion, on motion of Council Member Hinchman, Olson second, the City Council by the following vote overruled the protests of the property owners and ordered installation of sidewalks on the specified property:

Ayes: Council Members - Hinchman, Olson, Reid, and Snider

Noes: Council Members - Pinkerton (Mayor)

Absent: Council Members - None

Abstain: Council Members - None

RECESS Mayor Pinkerton declared a five-minute recess, and the City Council reconvened at approximately 9:00 p.m.

PLANNING COMMISSION REPORT City Manager Peterson presented the following Planning Commission Report of the Planning Commission Meeting of August 22, 1988:

CC-35 The Planning Commission -

ITEMS OF INTEREST

1. Conditionally approved the Tentative Subdivision Map of Griffin Industrial Park, a 19.52 acre, 45-lot tract located at 1350 and 1370 East Pine Street in an area zoned M-2, Heavy Industrial, as requested by Victor Meyer Engineering Associates on behalf of Robert L. Griffin.

The Planning Commission certified the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on this request.

2. Conditionally approved the request for a Use Permit for a 70-unit townhouse condominium/apartment project at 2220 Scarborough Drive in an area zoned P-D(4) Planned Development District No. 4 as requested by Morris and Wenell, Architects and Planners, Inc. on behalf of Century Assembly Church.
3. Continued its review of the Use Permit of Concrete, Inc. for a portable batch plant and temporary office trailer at 1360 East Turner Road in an area zoned M-2, Heavy Industrial.

COMMUNICATIONS (CITY CLERK)

CLAIMS CC-4(c) On motion of Council Member Hinchman, Olson second, the City Council denied the following claim and referred it to the City's Contract Administrator, ADJUSTCO:

- a) Carol Condon, dba: Buck Stop, DOL 7/2/88

ABC LICENSE APPLICATIONS

CC-7(f)

City Clerk Reimche presented the following Alcoholic Beverage License Applications that had been received:

- a) Lucky Stores, Inc. #187, 340 West Kettleman Lane, Lodi, Off-Sale General, Person Transfer

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- b) Lucky Stores, Inc. #301, 530 West Lodi Avenue, Lodi, Off-Sale General, Person Transfer
- c) Dillon's, Marilyn Dillon, et al, 1110 West Kettleman Lane, Suite 3, Lodi, Off-Sale Beer and Wine, Original License
- d) Lodi Pizza Bank, Mary Jane/William Allen Wilkerson, 400 East Kettleman Lane, Suite C-6 and 7, Lodi, On-Sale Beer and Wine Eating Place, Original License

PUBLIC HEARING SET
REGARDING APPEAL OF
ACTIONS OF THE
PLANNING COMMISSION
REGARDING GENERAL
PLAN AMENDMENT AND
REZONING OF PARCELS
LOCATED AT 537 AND
539 EAST PINE
STREET

CC-35
CC-53(a)

On motion of Council Member Reid, Olson second, the City Council set a Public Hearing on September 28, 1988 to consider the appeal of RoseMarie Mendonca of the Planning Commission's denial regarding the General Plan amendment and rezoning of parcels located at 537 and 539 East Pine Street.

LETTER SENT PURSUANT
TO STATE OF CALIFORNIA
GOVERNMENT CODE SECTION
65863.10 REGARDING
CREEKSIDE SOUTH
APARTMENTS, 601
WIMBLEDON DRIVE,
LODI

CC-25
CC-126

City Clerk Reimche presented a Letter of Compliance which had been received from David J. Michael, President of PAM (Professional Apartment Management), regarding the Creekside South Apartments, 601 Wimbledon Drive, Lodi, pursuant to Government Code Section 65863.10 advising of the transfer of interest to a non-profit corporation in order to maintain this complex as housing for low and medium income families and preserve the governmental assistance.

REQUEST TO AMEND
SPECIFIC PLAN FOR
LOWER SACRAMENTO ROAD,
KETTLEMAN LANE TO
LODI AVENUE, SET
FOR PUBLIC HEARING

CC-45(a)
CC-53(a)
CC-53(c)

On motion of Council Member Reid, Hinchman second, the City Council set a Public Hearing on September 28, 1988 to consider the request of Ted Katzakian, Agent for The Apple Orchard Subdivision, to amend the Specific Plan for Lower Sacramento Road, Kettleman Lane to Lodi Avenue.

APPEAL OF PLANNING
COMMISSION'S
REQUIREMENT TO
CONSTRUCT A SEVEN-
FOOT HIGH MASONRY
FENCE IN GRIFFIN
INDUSTRIAL PARK,
1350 AND 1370 EAST
PINE STREET ALONG
THE EAST SIDE OF
GUILD AVENUE SET
FOR PUBLIC HEARING

On motion of Council Member Hinchman, Olson second, the City Council set a Public Hearing for September 28, 1988 to

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CC-35 consider the appeal of Victor W. Meyer, representing
 CC-53(a) Griffin Industrial Park, 1350 and 1370 East Pine Street, of
 the Planning Commission's requirement to construct a 7 foot
 high masonry fence along the east side of Guild Avenue.

REGULAR CALENDAR

RESOLUTION ADOPTED
 AMENDING ELECTRIC
 RATES

RES. NO. 88-127 Following introduction of the matter by City Manager
 Peterson, Electric Utility Director Henry Rice advised the
 City Council that Lodi's retail electric rates were
 CC-6 adjusted in March 1985. Those rates were based on average
 CC-51(d) annual pricing (same price per hour for every hour of the
 year). Since that time, considerable effort on behalf of
 regulatory bodies, utilities and consumer representatives
 have resulted in emphasizing a need for electric rate
 structures to become appropriate and useful; appropriate
 from the standpoint of reflecting the changing cost pattern
 of utilities - high cost during peak periods and lower cost
 during off-peak periods. Reflecting a correct price signal
 to consumers is appropriate, but only becomes useful when
 we can show a large consumer, for instance, that shifting
 some electric use from the highest cost period to lowest
 cost period will decrease that consumers electric cost even
 though the same overall energy use is maintained.

Mr. Rice advised that the proposed rate structure changes
 reflect seasonality and peak-period pricing and are fully
 compatible with State Regulatory procedure and prudent
 utility rate-making standards of contiguous electric
 utilities.

Use of the 110 load survey meters, which were installed
 more than a year ago, provided the base data necessary to
 analyze the effect of this rate structure change. These
 same meters will be used to illustrate load shift to our
 customers and to provide billing information.

Additional changes in rate structure incorporate (1)
 inclusion of the Fuel Adder in the base rate; (2) provision
 for a Medical Baseline Quantity for specific application to
 qualifying medical conditions; and (3) preparation of a
 Standby Service Rate where a large industrial customer
 installs co-generation in parallel with the City.

PROPOSAL DETAILS: No new revenues will be expected from
 this rate structure change. Therefore, the period of level
 rates (no increase) which began March 1, 1985, shall
 continue through this year and perhaps with initial success
 in Load Management may reach through 1989 - almost a
 five-year period of rate stability.

FUTURE PLANS: The Electric Department staff will initiate
 discussion with large electric customers, subsequent to
 implementation of the proposed rate structure, and target
 specific energy consumptive devices or procedures which are
 susceptible to shifting from our peak period to off-peak
 period.

A lengthy discussion followed with questions regarding the
 matter being directed to Mr. Rice.

On motion of Council Member Hinchman, Olson second, the
 City Council adopted Resolution No. 88-127 entitled, "A
 Resolution of the Lodi City Council Approving Electric Rate

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Structure Changes" which will become effective with utility bills prepared on or after November 1, 1988. The Resolution was adopted by a unanimous vote of the City Council.

APPROVAL OF REFUSE
FRANCHISE AGREEMENT
AND ORDINANCES

ORDINANCE NOS. 1433
AND 1434

CC-22(b)

Following introduction of the matter by City Manager Peterson and discussion, the City Council took the following actions pertaining to the Refuse Franchise Agreement between the City of Lodi and Lodi Sanitary City Disposal Co., Inc.:

- a) On motion of Council Member Hinchman, Reid second, the City Council introduced Ordinance No. 1433 entitled, "An Ordinance of the Lodi City Council Granting Exclusive Franchise for Waste Disposal Services". The motion carried by a unanimous vote of the City Council.
- b) On motion of Council Member Reid, Olson second, the City Council approved the proposed amended Refuse Franchise Agreement and authorized the City Manager and City Clerk to execute the agreement on behalf of the City.
- c) On motion of Council Member Hinchman, Reid second, the City Council introduced Ordinance No. 1434 entitled, "An Ordinance of the Lodi City Council Repealing Lodi Municipal Code Chapter 13.16 - Solid Waste - and Reenacting a New Ordinance Relating to the Disposal and Handling of Solid Waste". The motion carried by a unanimous vote of the City Council.

ANNUAL STATEMENT OF
INVESTMENT POLICY AND
INTERNAL CONTROL
GUIDELINES APPROVED

RES. NO. 88-128

CC-6
CC-21(a)

Finance Director/Treasurer Robert Holm advised the City Council that the California State Legislature enacted AB1073 in 1984 requiring local agencies to adopt an annual investment policy.

This policy is presented to the City Council after the books are closed to enable staff to obtain certain benchmark rates of return for the fiscal year 1987-88. An exhibit was presented to Council depicting these comparable benchmark rates.

There is one additional investment instrument requested for approval that has not been on previously adopted investment policies. An exhibit designated as "Money Market Funds" was presented for Council's review. This investment instrument was authorized by the State Legislature in January, 1987 under Government Code Section 53600. The managers of money market funds that local agencies invest in may only purchase those instruments that already exist under Government Code Section 53600 and are the same ones the City of Lodi has invested in since the investment policy was adopted in 1984. The restrictions of Government Code 53600 regarding money market funds are:

1. The money market fund must attain the highest ranking or the highest letter and numerical rating provided by not less than two of the three largest rating services.

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2. Have an investment advisor registered with the Securities and Exchange Commission with not less than five years experience investing in the securities and obligations as authorized by Government Code Section 53600, Subdivision (A) to (M) and with assets under management in excess of five hundred million dollars (\$500,000,000).
3. Purchase price of shares shall not include commissions and shall not exceed fifteen percent of the local agency's surplus money.

Following discussion with questions being directed to Mr. Holm, the City Council, on motion of Council Member Reid, Olson second, adopted Resolution No. 88-128 entitled, "A Resolution Adopting an Annual Statement of Investment Policy and Internal Control Guidelines". The motion carried by a unanimous vote of the City Council.

REPORT BY CITY
ATTORNEY CONCERNING
THE INVALIDITY OF
SECTION 10.44.040 -
"CURBSTONING"
ORDINANCE

CC-4(e)
CC-149
CC-171

City Attorney McNatt presented for the City Council's review a copy of Judge Seibly's decision dated August 8, 1988 in the matter of People v. Walton, Case No. 139671. In this ruling, the Judge declares LMC § 10.20.070 (later amended and re-codified as LMC § 10.44.040) as it pertains to the parking of vehicles on a public roadway for the "purpose of displaying such vehicle ... for sale..." to be an unconstitutional regulation of commercial speech.

The Court relied heavily upon People v. Moon (1978) 89 Cal. App. 3d Supp. 1; 152 Cal. Rptr. 704 in which an ordinance of the City of Berkeley, remarkably similar to Lodi's ordinance, was likewise declared to be an unconstitutional infringement upon freedom of speech. While it is noted that People v. Moon was decided by an appellate panel of the Alameda County Superior Court, and thus has no binding precedential value, and while the City Attorney does not necessarily agree with the reasoning in either People v. Moon or Judge Seibly's decision, He believes it is indicative of the thinking of appellate courts, and would be given some weight if the City chose to appeal.

It appears that the City has three options: First, to simply accept Judge Seibly's ruling and take no further action, thereby allowing "For Sale" signs to be placed in vehicles upon City streets. Second, the Council may direct that a new ordinance be drafted, taking into account the constitutional infirmities found by the Court. Third, the City could appeal Judge Seibly's decision to the Appellate Division of San Joaquin County Superior Court, as was done in People v. Moon.

If the first option is chosen by the Council, no further action would be required. However, City Attorney McNatt indicated he had received a few phone calls from people who were concerned that having an invalid ordinance and not putting something in its place would result in a proliferation of "For Sale" signs all over town, creating an eyesore.

If the Council decides that it is more appropriate to attempt to modify the ordinance, it is possible that a "time, place and manner" ordinance could be drawn, although

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Mr. McNatt indicated he was unable to locate any case in which an ordinance such as this survived. This means the City has no tried and true blueprint or model upon which to base a new ordinance.

If the decision is made to appeal Judge Seibly's ruling, it would have to be done in the near future, since the time for notifying the Court of City's intent to appeal commenced to run on August 29, 1988 when the City received a copy of the Judge's decision for the first time. It does not appear likely, based on the somewhat inconclusive law now available, that an appeal would be successful.

Following discussion, with questions being directed the City Attorney regarding the matter, the City Council directed City Attorney McNatt to draft a new ordinance, taking into account the constitutional infirmities found by the Court in Lodi Municipal Code Section 10.44.040 (For sale signs on vehicles)

REPORT REGARDING
MORTGAGE CREDIT
CERTIFICATION
PROGRAM

CC-6
CC-126

Community Development Director James Schroeder presented the following report regarding the Mortgage Credit Certification Program which had been requested by Council Member Reid at an earlier City Council Meeting:

GENERAL OVERVIEW

The Mortgage Credit Certificate Program, authorized by Congress in the Tax Reform Act of 1984, is an alternative to mortgage revenue bond-backed financing as a means of providing financial assistance to average-income families for the purchase of single-family housing. In 1985, the State of California adopted legislation authorizing cities and counties to make Mortgage Credit Certificates available in their communities.

MORTGAGE CREDIT CERTIFICATE

The MCC is a federal tax credit. The MCC tax credit reduces the federal income taxes of qualified borrowers purchasing modestly priced homes, thus having the effect of subsidizing their monthly mortgage payments. For example, a borrower with a 10% fixed rate 30-year mortgage of \$90,000 would make \$790.00 in mortgage payments each month. By using a 20% MCC, \$158, (20% of \$790) of the monthly payment can be taken as a tax credit toward that buyer's Federal income tax liability.

The IRS and state agencies have established program guidelines which set the maximum sales price for new and existing units, as well as the maximum household income of the home purchasers. These limits are different for each city and county and are periodically revised based upon what should be average for the area; the limits for Lodi are \$101,000 for a newly constructed home and \$85,000 for an existing, previously occupied home assuming a median household income of \$28,600 for the city.

PROGRAM ADMINISTRATION

The MCC Program can be implemented in-house or on contract; larger cities, particularly in Southern California often implement it in-house. Smaller cities and counties have found it to their advantage to utilize outside housing consultants, such as CFN Financial Services. If an outside

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consultant were used the City's role in administering MCC's would only include promotion and coordination of the program.

The application fee for the MCC Program is around \$5300. For this reason, MCC's usually work out better in cities that have large numbers of new homes since developers can pay the application fee. In a strictly resale market, either the city or an association of realtors would have to pay the application fee and they are usually less willing to do so.

BACKGROUND INFORMATION

The City of Lodi does not have any new single-family homes selling for under the MCC Program's limit of \$101,000. The lowest priced new units are in Johnson Ranch and Tandy Ranch, starting in the low \$120,000's and \$140,000's respectively. Schaefer, Suess and Boyd Realtors estimates the median new home is selling for \$150,000 to \$160,000 in Lodi.

There are some existing, preoccupied homes in Lodi selling under \$85,000 though concrete numbers are not available. The Lodi Board of Realtors does provide a median selling price of \$122,573 for a resale home which suggests that the number of homes that qualify for this program is probably not significant.

CONCLUSION

This program is unique because it is not restricted to low and moderate income categories and includes average income persons. However, the unavailability of any new homes priced within the MCC's limit and the moderate number of eligible resale homes means the program will likely not have much of an impact in Lodi. Staff feels the MCC Program would be ineffective here and recommends that we do not adopt the program at this time.

Mr. Schroeder concluded his remarks by advising that according to Dave Laughlin of CFN Financial Services, the "magic" number for making the MCC Program worthwhile is 40 new homes sales per year in which the house sells for under \$101,000 and/or 70 resale home sales per year in which the house sells for under \$85,000.

Obviously, Lodi does not qualify under the new home standard and probably not under the resale home standard either.

No formal action was taken by the City Council on the matter following discussion.

NAMING OF NEW COUNCIL CHAMBER COMPLEX

CC-6
CC-142

The City Council received information from the Public Works Director that following his earlier inquiry as to possible names for the new Council Chamber Complex, the following names and votes were obtained:

NAME	VOTES
Carnegie Forum	2
Carnegie Hall	1
Carnegie Library	1
"Anything"	1

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City Council discussion followed with Mayor Pinkerton proposing the name Lodi Carnegie Hall. Following additional discussion, Council Member Reid moved that the new City Council Complex be named Lodi Carnegie Hall. The motion was seconded by Mayor Pinkerton but failed to pass by the following vote:

Ayes: Council Members - Reid and Pinkerton (Mayor)

Noes: Council Members - Hinchman, Olson,
and Snider

Additional discussion followed. Following the suggestion by Council Member Hinchman, the City Council determined to hold a city-wide contest to determine the name of the new Council Chamber Complex.

VOTING AND ALTERNATE
VOTING DELEGATE FOR
ANNUAL CONGRESS OF
CITIES SELECTED

CC-7(r)

On motion of Mayor Pro Tempore Snider, Reid second, the City Council designated Mayor Pinkerton as the Voting Delegate and Council Member Hinchman as the Alternate Voting Delegate for the Annual Congress of Cities to be held in Boston, December 3 - 7, 1988.

ORDINANCES

ORDINANCE REGULATING
THE CONDUCT OF GARAGE
SALES ADOPTED

ORDINANCE NO. 1431
ADOPTED

CC-6
CC-35
CC-42
CC-149

Ordinance No. 1431 - entitled, "An Ordinance of the Lodi City Council Amending Title 9 of the Lodi Municipal Code, by Adding Thereto Chapter 9.20, Regulating the Conduct of Garage Sales" having been introduced at a Regular Meeting of the City Council held August 17, 1988, was brought up for passage on motion of Council Member Olson, Reid second. Second reading of the ordinance was omitted after reading by title, and the Ordinance was then adopted and ordered to print by a unanimous vote of all Council Members.

ORDINANCE AMENDING
ORDINANCE NO. 1365
AUTHORIZING THE
TRANSMISSION AGENCY
OF NORTHERN CALIFORNIA
TO ISSUE REVENUE BOND,
NOTES AND OTHER
EVIDENCES OF
INDEBTEDNESS ADOPTED

ORDINANCE NO. 1432
ADOPTED

CC-7(s)
CC-149

Ordinance No. 1432 - entitled, "An Ordinance of the City Council of the City of Lodi Amending Ordinance No. 1365 Authorizing The Transmission Agency of Northern California to Issue Revenue Bonds, Notes and Other Evidences of Indebtedness" having been introduced at a Regular Meeting of the City Council held August 17, 1988, was brought up for passage on motion of Council Member Olson, Hinchman second. Second reading of the ordinance was omitted after reading by title, and the Ordinance was then adopted and ordered to print by a unanimous vote of all Council Members.

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ADJOURNMENT

There being no further business to come before the City Council, Mayor Pinkerton adjourned the meeting at approximately 9:45 p.m.

ATTEST:

Alice M. Reimche
Alice M. Reimche
City Clerk